

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,

Plaintiff,

v.

F. HARVEY WHITTEMORE

Defendant.

3:12-CR-0058-LRH-WGC

ORDER

The court has received a package of documents forwarded by the United States Attorney's Office which includes letters that have been submitted to the U.S. Attorney's Office Victim Witness Coordinator. The U.S. Attorney's Office advises that it neither solicited, nor anticipated receiving, the documents and takes no position on whether they should be considered by the court.

The court has performed a cursory review of the documents and finds that they do not appear to qualify as Victim Impact Statements under Section 3771 of Title 18, United States Code, because they do not appear to be from "a person directly or proximately harmed as a result of the commission" of the offenses for which defendant F. Harvey Whittemore ("Whittemore") has been convicted. 18 U.S.C. § 3771(e). As such, the court shall not consider the materials at sentencing and shall return the package in its entirety to the U.S. Attorney's Office.

However, the court shall grant government counsel leave to seek consideration of a particular letter or document if counsel believe that the material qualifies as a Victim Impact

1 Statement or is otherwise properly admissible and relevant for sentencing.

2 IT IS SO ORDERED.

3 DATED this 23rd day of September, 2013.



5 LARRY R. HICKS
6 UNITED STATES DISTRICT JUDGE